

E002 Source Enforcement Area

COMMISSIONER REMARK INDEX

<i>Water Right #</i>		<i>Remark</i>
41H	114921-00	DIVERSION OF WATER IN APRIL IS SUBJECT TO A PRIVATE SUBORDINATION AGREEMENT DATED JULY 10, 2008. SEE CASE 41H-A5.
41H	114921-00	COMBINED FLOW RATE FOR CLAIMS NO. 41H 114921-00, 41H 114922-00 AND 41H 114923-00 IS LIMITED TO THE HISTORIC CAPACITY OF THE DIVERSION STRUCTURE AND THE CONVEYANCE SYSTEM.
41H	114922-00	DIVERSION OF WATER IN APRIL IS SUBJECT TO A PRIVATE SUBORDINATION AGREEMENT DATED JULY 10, 2008. SEE CASE 41H-A5.
41H	114922-00	COMBINED FLOW RATE FOR CLAIMS NO. 41H 114921-00, 41H 114922-00 AND 41H 114923-00 IS LIMITED TO THE HISTORIC CAPACITY OF THE DIVERSION STRUCTURE AND THE CONVEYANCE SYSTEM.
41H	114923-00	DIVERSION OF WATER IN APRIL IS SUBJECT TO A PRIVATE SUBORDINATION AGREEMENT DATED JULY 10, 2008. SEE CASE 41H-A5.
41H	114923-00	COMBINED FLOW RATE FOR CLAIMS NO. 41H 114921-00, 41H 114922-00, AND 41H 114923-00 IS LIMITED TO THE HISTORIC CAPACITY OF THE DIVERSION STRUCTURE AND THE CONVEYANCE SYSTEM.
41H	100063-00	It appears as though the irrigation type has been changed from flood to sprinkler and a pump is now used to divert water from Wilson Creek. The pump site appears to be in the NWSENW T3S R4E Sec 27, Gallatin Co.
41H	16772-00	It appears as though the irrigation type has been changed from flood to sprinkler irrigation and a pump is now used to divert water from Wilson Creek. The pump site appears to be in the SWNWSE T3S R4E Sec 27, Gallatin Co.
41H	12231	POD #1 REPRESENTS THE REMAINING IRRIGATION PURPOSE VOLUME, CONSISTING OF 78 AF OF DIVERTED WATER AND 9.61 AF OF CONSUMED VOLUME.
41H	12231	POD #2 REPRESENTS UTILITY SOLUTIONS AUGMENTATION FROM THE 2ND CHANGE AND MITIGATION WATER FROM THE 3RD CHANGE DIVERTED TO THE AQUIFER RECHARGE BASIN. FOR THE AUGMENTATION PURPOSE, WATER WILL BE DIVERTED INTO THE BECK AND BORDER DITCH AT .024 CFS UP TO 2.78 AF PER YEAR (ALL CONSUMED VOLUME). FOR THE MITIGATION WATER PURPOSE, WATER WILL BE DIVERTED INTO THE BECK AND BORDER DITCH AT 0.082 CFS UP TO 9.12 AF PER YEAR (8.49 AF OF THIS IS CONSUMED VOLUME).

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41H	12231	POD #3 REPRESENTS INSTREAM DIVERSION FOR AUGMENTATION FROM THE 1ST CHANGE: 0.2 CFS UP TO 38.83 AF OF DIVERTED VOLUME (0.51 AF OF THIS IS CONSUMED VOLUME) SHALL BE LEFT IN THE WEST GALLATIN RIVER. THIS WATER SHALL BE ADMINISTERED BY THE APPLICANT BY MAKING CALL ON THE ABOVE DESIGNATED AMOUNTS TO THE DIVERSION POINT OF THE BECK AND BORDER DITCH IN THE NWSWSE OF SEC. 14, TOWNSHIP 2 SOUTH, RANGE 4 EAST, GALLATIN COUNTY, FOR AUGMENTATION USE WITHIN THE REACH BETWEEN THE HEADGATE AT THE BECK AND BORDER DITCH AND THE POINT WHERE THE WEST GALLATIN RIVER LEAVES SECTION 2 AND SECTION 3, TOWNSHIP 2 NORTH, RANGE 4 EAST.
41H	12231	POD #4 REPRESENTS UTILITY SOLUTIONS AUGMENTATION FOR THE 1ST CHANGE DIVERTED TO THE AQUIFER RECHARGE BASIN. WATER WILL BE DIVERTED INTO THE BECK AND BORDER DITCH AT 0.04 CFS UP TO 5.17 AF PER YEAR (ALL CONSUMED VOLUME).
41H	12231	POD #5 REPRESENTS INSTREAM DIVERSION FOR AUGMENTATION FROM THE 2ND CHANGE AND MITIGATION WATER FROM THE 3RD CHANGE: FROM THE 2ND CHANGE, 0.116 CFS UP TO 21.22 AF OF DIVERTED VOLUME (0.23 AF OF THIS IS CONSUMED VOLUME) SHALL BE LEFT IN THE WEST GALLATIN RIVER. THIS WATER SHALL BE ADMINISTERED BY THE APPLICANT BY MAKING CALL ON THE ABOVE DESIGNATED AMOUNTS TO THE DIVERSION POINT OF THE BECK & BORDER DITCH IN THE NW¼SW¼SE¼ OF SECTION 14, TOWNSHIP 2 SOUTH, RANGE 4 EAST, GALLATIN COUNTY, FOR AUGMENTATION USE WITHIN THE REACH BETWEEN THE HEADGATE AT THE BECK AND BORDER DITCH AND THE POINT WHERE THE WEST GALLATIN RIVER LEAVES SECTION 2 AND SECTION 3, TOWNSHIP 2 SOUTH, RANGE 4 EAST. FROM THE 3RD CHANGE, 0.315 CFS UP TO 64.88 AF OF DIVERTED VOLUME (NO CONSUMED VOLUME) SHALL BE LEFT IN THE WEST GALLATIN RIVER.
41H	12232	POD #1 REPRESENTS THE REMAINING IRRIGATION PURPOSE VOLUME, CONSISTING OF 78 AF OF DIVERTED WATER AND 9.89 AF OF CONSUMED VOLUME.
41H	12232	POD #2 REPRESENTS UTILITY SOLUTIONS AUGMENTATION FROM THE 2ND CHANGE AND MITIGATION WATER FROM THE 3RD CHANGE DIVERTED TO THE AQUIFER RECHARGE BASIN. FOR THE AUGMENTATION PURPOSE, WATER WILL BE DIVERTED INTO THE BECK AND BORDER DITCH AT 0.026 CFS UP TO 2.87 AF PER YEAR (ALL CONSUMED VOLUME). FOR THE MITIGATION WATER PURPOSE, WATER WILL BE DIVERTED INTO THE BECK AND BORDER DITCH AT 0.087 CFS UP TO 9.65 AF PER YEAR (8.97 AF OF THIS IS CONSUMED VOLUME).
41H	12232	POD #3 REPRESENTS INSTREAM DIVERSION FOR AUGMENTATION FROM THE 1ST CHANGE: 0.21 CFS UP TO 38.61 AF OF DIVERTED VOLUME (0.53 AF OF THIS IS CONSUMED VOLUME) SHALL BE LEFT IN THE WEST GALLATIN RIVER. THIS WATER SHALL BE ADMINISTERED BY THE APPLICANT BY MAKING CALL ON THE ABOVE DESIGNATED AMOUNTS TO THE DIVERSION POINT OF THE BECK AND BORDER DITCH IN THE NWSWSE OF SEC. 14, TOWNSHIP 2 SOUTH, RANGE 4 EAST, GALLATIN COUNTY, FOR AUGMENTATION USE WITHIN THE REACH BETWEEN THE HEADGATE AT THE BECK AND BORDER DITCH AND THE POINT WHERE THE WEST GALLATIN RIVER LEAVES SECTION 2 AND SECTION 3, TOWNSHIP 2 NORTH, RANGE 4 EAST.
41H	12232	POD #4 REPRESENTS UTILITY SOLUTIONS AUGMENTATION FOR THE 1ST CHANGE DIVERTED TO THE AQUIFER RECHARGE BASIN. WATER WILL BE DIVERTED INTO THE BECK AND BORDER DITCH AT 0.04 CFS UP TO 5.39 AF PER YEAR (ALL CONSUMED VOLUME).

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<i>Water Right #</i>		<i>Remark</i>
41H	12232	POD #5 REPRESENTS INSTREAM DIVERSION FOR AUGMENTATION FROM THE 2ND CHANGE AND MITIGATION WATER FROM THE 3RD CHANGE: FROM THE 2ND CHANGE, 0.114 CFS UP TO 21.13 AF OF DIVERTED VOLUME (0.24 AF OF THIS IS CONSUMED VOLUME) SHALL BE LEFT IN THE WEST GALLATIN RIVER. THIS WATER SHALL BE ADMINISTERED BY THE APPLICANT BY MAKING CALL ON THE ABOVE DESIGNATED AMOUNTS TO THE DIVERSION POINT OF THE BECK & BORDER DITCH IN THE NW¼SW¼SE¼ OF SECTION 14, TOWNSHIP 2 SOUTH, RANGE 4 EAST, GALLATIN COUNTY, FOR AUGMENTATION USE WITHIN THE REACH BETWEEN THE HEADGATE AT THE BECK AND BORDER DITCH AND THE POINT WHERE THE WEST GALLATIN RIVER LEAVES SECTION 2 AND SECTION 3, TOWNSHIP 2 SOUTH, RANGE 4 EAST. FROM THE 3RD CHANGE, 0.333 CFS UP TO 64.35 AF OF DIVERTED VOLUME (NO CONSUMED VOLUME) SHALL BE LEFT IN THE WEST GALLATIN RIVER.
41H	126909	UTILITY SOLUTIONS WELLS AUGMENTATION AND MITIGATION - HEADGATE DIVERSION INFORMATION: WATER WILL BE DIVERTED INTO THE BECK AND BORDER DITCH AT 0.23 CFS UP TO 65.01 ACRE-FEET PER YEAR FROM WATER RIGHT CLAIM NO. 41H 126909-00 FOR AUGMENTATION/MITIGATION OF PERMITS 41H 30012025, 41H 30013629, AND 41H 30046241. AFTER DITCH LOSS, 58.86 ACRE-FEET PER YEAR FROM WATER RIGHT CLAIM NO. 41H 126909-00 WILL BE DIVERTED TO AQUIFER RECHARGE BASINS LOCATED IN THE W2NENE, SECTION 11, TOWNSHIP 2 SOUTH, RANGE 4 EAST.
41H	126909	INSTREAM DIVERSION INFORMATION: 0.45 CFS OUT OF WATER RIGHT CLAIM NO. 41H 126909-00 SHALL NOT HEREAFTER BE DIVERTED AND SHALL OTHERWISE BE LEFT IN THE WEST GALLATIN RIVER, BUT SHALL BE ADMINISTERED BY THE APPLICANT MAKING CALL ON THE ABOVE DESIGNATED AMOUNT TO THE DIVERSION POINT OF THE BECK & BORDER DITCH.
41H	126909	THIS CHANGE AUTHORIZATION PROVIDES MITIGATION WATER FOR BENEFICIAL USE PERMIT 41H-30046241 IN CONJUNCTION WITH 41H-30046242. IF AT ANY TIME THE MITIGATION COMPONENT OF THIS CHANGE AUTHORIZATION IS NOT MET, WATER USE UNDER BENEFICIAL USE PERMIT 41H-30046241 MUST BE STOPPED. IF MITIGATION CANNOT BE MET, APPLICANTS WILL PROVIDE A REPORT TO DNRC DETAILING THE AMOUNT OF SHORTAGE OF MITIGATION WATER AND HOW THE PERMIT USE WAS STOPPED TO PREVENT ADVERSE EFFECT.
41H	126909	INSTREAM WATER INCLUDES 2.86 AF OF CONSUMPTIVE VOLUME.
41H	126910	PREVIOUS CHANGE AUTHORIZATION 41H 30014080 ON THIS WATER RIGHT PROVIDES AUGMENTATION FOR BENEFICIAL WATER USE PERMITS 41H 30012025 AND 41H 30013629.
41H	126910	THIS CHANGE AUTHORIZATION PROVIDES MITIGATION WATER FOR BENEFICIAL USE PERMIT 41H-30046241 IN CONJUNCTION WITH 41H-30046242. IF AT ANY TIME THE MITIGATION COMPONENT OF THIS CHANGE AUTHORIZATION IS NOT MET, WATER USE UNDER BENEFICIAL USE PERMIT 41H-30046241 MUST BE STOPPED. IF MITIGATION CANNOT BE MET, APPLICANTS WILL PROVIDE A REPORT TO DNRC DETAILING THE AMOUNT OF SHORTAGE OF MITIGATION WATER AND HOW THE PERMIT USE WAS STOPPED TO PREVENT ADVERSE EFFECT.
41H	126910	INSTREAM DIVERSION INFORMATION: 1.25 CFS OUT OF WATER RIGHT CLAIM NO. 41H 126910-00 SHALL NOT HEREAFTER BE DIVERTED AND SHALL OTHERWISE BE LEFT IN THE WEST GALLATIN RIVER, BUT SHALL BE ADMINISTERED BY THE APPLICANT MAKING CALL ON THE ABOVE DESIGNATED AMOUNT TO THE DIVERSION POINT OF THE BECK & BORDER DITCH.

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<i>Water Right #</i>		<i>Remark</i>
41H	126910	UTILITY SOLUTIONS AUGMENTATION AND MITIGATION: HEADGATE DIVERSION INFORMATION: WATER WILL BE DIVERTED INTO THE BECK AND BORDER DITCH AT 0.63 CFS UP TO 188.56 ACRE-FEET PER YEAR FROM WATER RIGHT CLAIM 41H 126910-00 FOR AUGMENTATION/MITIGATION OF PERMITS 41H 30012025, 41H 30013629, AND 41H 30046241. AFTER DITCH LOSS, 161.52 ACRE-FEET PER YEAR WILL BE DIVERTED TO AQUIFER RECHARGE BASINS LOCATED IN THE NE?, SECTION 11, TOWNSHIP 2 SOUTH, RANGE 4 EAST.
41H	126910	INSTREAM WATER INCLUDES 9.04 AF OF CONSUMPTIVE VOLUME.
41H	30120521	THE TOTAL VOLUME OF WATER THAT MUST BE APPLIED TO THE RECHARGE BASINS IS 96.5 AC-FT PER ANNUM. THIS IS 72.4 AF, THE AMOUNT TO MITIGATE DEPLETIONS TO SURFACE WATER CAUSED BY PUMPING UNDER PERMIT 41H 30109060, PLUS 24.1 AF, THE AMOUNT TO MITIGATE ADVERSE EFFECTS DUE TO A LOSS OF RETURN FLOWS UNDER CHANGE 41H 30109061.
41H	30120521	IN ORDER TO PREVENT ADVERSE EFFECTS TO OTHER APPROPRIATORS DUE TO LOSS OF HISTORICAL RETURN FLOWS, THE APPROPRIATOR SHALL DIVERT, OR CAUSE TO BE DIVERTED, 24.1 AC-FT PER ANNUM OF WATER AND SHALL APPLY THIS WATER TO THE RECHARGE BASINS DESCRIBED IN THE PRELIMINARY DECISION DOCUMENT BETWEEN MAY 1 AND JULY 10 OF EACH YEAR.
41H	7061 00	THE APPROPRIATOR SHALL INSTALL A DEPARTMENT APPROVED MEASURING DEVICE AT POINT APPROVED BY THE DEPARTMENT. WATER MUST NOT BE DIVERTED UNTIL THE REQUIRED MEASURING DEVICE IS IN PLACE AND OPERATING. ON A FORM PROVIDED BY THE DEPARTMENT, THE APPROPRIATOR SHALL KEEP A WRITTEN MONTHLY RECORD OF THE VOLUME OF ALL WATER DIVERTED, INCLUDING THE PERIOD OF TIME. RECORDS SHALL BE SUBMITTED BY NOVEMBER 30 OF EACH YEAR AND UPON REQUEST AT OTHER TIMES DURING THE YEAR. FAILURE TO SUBMIT RECORDS MAY BE CAUSE FOR REVOCATION OF A PERMIT OR CHANGE. THE RECORDS MUST BE SENT TO THE WATER RESOURCES REGIONAL OFFICE. THE APPROPRIATOR SHALL MAINTAIN THE MEASURING DEVICE SO IT ALWAYS OPERATES PROPERLY AND MEASURES THE VOLUME ACCURATELY.
41H	46115-00	PURSUANT TO TWO STIPULATIONS FILED IN CASE 41H-0083-R-2021, THIS WATER RIGHT SHALL BE SUBORDINATE IN PRIORITY TO THE FOLLOWING WATER RIGHTS: 41H 138898-00, 41H 138899-00, 41H 138902-00, 41H 138903-00, 41H 30023118, 41H 30023119, 41H 30023120, 41H 12221-00, 41H 12232-00, 41H 126909-00, 41H 126910-00